



Via Online Request Portal

January 16, 2018

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 3
1650 Arch Street (3CG10)
Philadelphia, PA 19103

Re: FOIA Request: Birdsboro Power Plant Hazardous Materials Incident

Dear Regional Freedom of Information Officer:

I hereby request, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the following records related to the hazardous materials release incident and response that occurred Thursday November 16, 2017 at 1 Armorcast Road in Birdsboro Berks County, Pennsylvania ("Site"):

- 1. Any and all records discussing the November 16, 2017 hazardous materials release and response at the Site.**
- 2. Any records related to subsequent agency action mandating investigations at the Site**
- 3. Records of contamination of air quality associated with hazardous materials release incident and response at the Site**
- 4. Records of contamination of water resources associated with hazardous materials release incident and response.**
- 5. Any records relating to the identification of unanticipated hazardous materials by Environmental Infrastructure Group, Kiewit Corp. or any other outside group concerning the incident at the Site and the ongoing remediation and construction.**
- 6. Any correspondence related to the November 16, 2017 incident at the Site between EPA employees and outside parties.**

The requested documents include all responsive documents in the EPA's possession, regardless of their source. The request includes, but is not limited to,

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dm@delawareriverkeeper.org
www.delawareriverkeeper.org

documents, writings, materials, correspondence, emails, files, photos, maps, and reports, generated, received, and/or issued. If the fee to copy the requested documents exceeds \$100, we would like to conduct an in-person file review instead. If possible, please provide the records in electronic format, either by email (eirn@delawareriverkeeper.org) or contained on a CD, mailed to Erin Cosgrove, Delaware Riverkeeper Network, 925 Canal Street, Suite 3701, Bristol, PA 19007.

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), I seek a fee waiver for the search and production costs associated with this request. Delaware Riverkeeper Network is a non-profit environmental organization with no commercial interest in the requested information. Disclosure of information regarding the incident at Birdsboro Power Plant is in the public interest.

First, the information requested concerns the operations or activities of the federal government. Under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA is tasked with ensuring communities know and have planned for chemical emergencies. It also requires industry to report on the storage, use, and releases of hazardous substances to federal, state, and local governments. EPA Region III's administration and enforcement of EPCRA and related activities at the Site are clearly operations or activities of the federal government.

Second, the requested information is likely to be meaningfully informative regarding EPA Region III's oversight of the Birdsboro Power Plant. The effective administration of the EPCRA depends upon EPA adequately monitoring hazardous releases and reporting on any incidents at the site. Thus, obtaining disclosure of the requested documents will provide significantly more information to the public about this important government function.

Third, disclosure of the requested information will contribute to public understanding of EPA's oversight hazardous materials located at the site and potential for future problems. Delaware Riverkeeper Network ("DRN") will disseminate the disclosed information to the public and will use the information to inform its membership, coalition partners and their members about the incident at the site. DRN will do this through a number of tools, including its Internet site, email communications to coalition partners, and press releases. In addition, DRN is in close contact with grassroots organizations in the Berks County area. These groups want to understand how EPA Region III is fulfilling hazardous materials storage and release oversight duties and want to ensure that incidents, such as what occurred on November 16, 2017, do not endanger the health and wellbeing of nearby communities. DRN is well prepared to evaluate and interpret the disclosed information for these groups and for our members in a manner that will be most useful for them, as well as for the general public. DRN staff also can disseminate newsworthy information obtained from this request to the media and provide relevant information obtained from this request to elected officials at the federal, state, and municipal levels.

Fourth, the requested information will contribute significantly to the public's understanding of EPA Region III's operations and activities relating to its oversight of hazardous materials in the community. Currently, there is limited information about the incident and what other materials may be at the Site that could cause another incident. As a result, public

understanding of EPA's oversight will benefit significantly from disclosure of the requested documents.

Finally, our request does not involve any commercial interest which would be furthered by disclosure. DRN is a non-profit public interest organization dedicated to protecting public health and the environment in the Delaware River basin. DRN has no commercial, trade, or profit interest in disclosure of the requested information. The primary interest in obtaining disclosure of this information is to inform members, grassroots organizations, and the public at large about the incident and disseminate information that will help the community understand if there are any further threats and the response they can expect from EPA.

Please feel free to call me to discuss any aspect of this request, particularly any means of response that might lessen the burden on your agency. You can reach me at 215-369-1188 ext. 107. As required by FOIA, a response to this request must be made within **20 working days** of your receipt of this letter (5 U.S.C. § 552(a)(6)(A)(i)). Thank you for your assistance.

Sincerely yours,

Erin Cosgrove, Research Assistant
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007
(215) 369-1188 x 107